



REPLY TO
ATTENTION OF:

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

July 29, 2011

Coastal Branch
Regulatory Division

**JOINT PUBLIC NOTICE SAM-2008-01990-JBM: MODIFICATION #1
U.S. ARMY CORPS OF ENGINEERS**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL (WQC2009001)**

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES (DMR-090302)

**BENEFICIAL USE SITE FOR DREDGED MATERIAL
DEER ISLAND MARSH RESTORATION SITE # 1; MODIFICATION #1
HARRISON COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the River and Harbors Act of 1899. Please communicate this information to interested parties.

**APPLICANT: Mississippi Department of Marine Resources
Attention: Mr. George Ramseur
1141 Bayview Avenue
Biloxi, Mississippi 39530**

LOCATION OF WORK: Mississippi Sound, Section 5, Township 8 South, Range 8 West, USGS 1:24 Quad Name: MS-Deer Island, Harrison County, Mississippi (Latitude 30.3665° North, Longitude 88.8194° West).

ORIGINAL PERMITTED WORK: In April 2009, the Mississippi Department of Marine Resources (DMR) was authorized to repair and re-establish the Deer Island Marsh Restoration Site #1 which was impacted by previous tropical storms and hurricanes. The site was first established in 2002 by the U.S. Army Corps of Engineers (COE) for the Biloxi Harbor Navigation Project. The work included re-dredging 8,900 cubic yards of material from the access channel originally used to construct the project and discharge up to 100,000 cubic yards of dredged material to restore marsh design elevations. The proposed access channel dimensions are 1,000 feet in length, by 60 feet in width by -6 feet, mean low water (MLW). The 8,900 cubic yards (per event) of material dredged from the access channel would be mechanically excavated and side-cast into a 150-foot-wide area west of the channel. The access channel would be maintained in this manner over the life of the project as needed. The 100,000 cubic yards of dredged material from various local projects would be used to restore the wetland site. The local dredging projects would be evaluated and permitted independently from the proposed action. Prior to use the dredged material would be tested and approved by the Mississippi Department of Environmental Quality.

REASON FOR MODIFICATION REQUEST: The applicant, MS DMR, has stated that the currently authorized depth of -6 feet MLW for the access channel is too shallow for efficient transport of additional dredge material to Deer Island.

WORK DESCRIPTION: The applicant, MS DMR, proposes to deepen the existing access channel to -9 feet MLLW in order to provide appropriate depths to accommodate vessels hauling construction material for the marsh restoration site.

EXISTING CONDITIONS: The subject property is an active beneficial use site/marsh restoration area.

PROJECT PURPOSE AND NEED: The applicant stated the following for their project purpose and need: "The authorized depth of 6 feet below mean low water is too shallow for efficient transportation of additional dredge material to Deer Island."

The COE has initially determined the basic project purpose for the deepening of an existing access channel, would be considered a water dependent activity.

ALTERNATIVES: The project site is currently an existing Beneficial Use Site. The only applicable alternative would be to only dredge the access channel to -6 feet MLW. Lack of dredging to the additional requested depth would allow the existing material to remain in place. Leaving the access channel at the existing permitted depth decreases the usability of the access channel by commercial boat traffic and reduces the ability to transport material to the Beneficial Use Site.. Additional coordination regarding alternatives will be performed with cooperating Federal and State agencies.

MITIGATION: During the construction period, short-term impacts to the site, surface waters, transportation, air quality and noise are anticipated. Short-term impacts should be mitigated utilizing BMPs, such as silt screens, daily site inspections, proper signage and mandating no onsite maintenance of equipment. Additional coordination regarding mitigation will be performed with cooperating Federal and State agencies.

Final compensatory mitigation would be evaluated by the COE and cooperating resource agencies throughout the review process for the proposed project.

The applicant has applied for certification from the State of Mississippi in accordance with Section 401(a) (1) of the Clean Water Act and upon completion of the required advertising; a determination relative to certification will be made (WQC2009001).

The applicant has applied for coastal zone consistency from the State of Mississippi Department of Marine Resources in accordance with Section 57-15-6 of the Mississippi Code Annotated (DMR-090302).

The applicant has requested to modify their existing permit. The project would involve dredging of material at the project site. Through obtaining a modification to the existing permit the project would be subject to Mississippi Code § 49-27-61 which designates that all dredged material over 2,500 cubic yards shall be utilized as Beneficial Use material as deemed appropriate by State of Mississippi

Department of Marine Resources. The project site is an existing Beneficial Use Site and dredging taking place at the site would constitute compliance with the Mississippi Code.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the COE can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, protected species, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and in general, the needs and welfare of the people.

The COE is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the COE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held for consideration of this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice has been considered for the potential to effect cultural and historic properties within the permit area. The project was reviewed by the COE Archeologist during the original permit review. The COE Archeologist stated that the project would not impact any archeological sites. The State Historic Preservation Officer (SHPO) under Mississippi Department of Archives and History (MDAH) Project Log did not provide a response during the original permit review. In accordance with Appendix C of 33 CFR Part 325, the COE has determined that the permit area is the full area of development for the overall project footprint. **During this review the COE will consult with in-house expertise to make a final determination based upon any recommendations by the MDAH.**

The project location is within designated critical habitat for the Gulf sturgeon. No fishing would be occurring from the marina piers; therefore, there is no potential for hooking or entanglement of the sturgeon or sea turtles. Additionally, although both species may be affected by interaction with construction equipment, this effect is discountable. These species are highly mobile and can easily avoid these interactions and the National Marine Fisheries Services (NMFS)' Sea Turtle and Smalltooth

Sawfish Construction Conditions will be implemented. Additionally, both species will very likely avoid the project site during construction activities due to construction noise and the physical presence of machinery; thus, any potential effects to them from site avoidance will be insignificant. The Mobile District has determined that the proposed action would not adversely impact Essential Fish Habitat (EFH) or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the NMFS. NMFS Protected Resources Division (F/SER31:KS) and U.S. Fish and Wild Life Service both reviewed the project in its entirety during the original permitting process.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2008-01990-JBM; MOD #1** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Attention: Ms. Kaaren M. Neumann, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Coastal Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Attention: Ms. Florance Watson, P.E., Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, Attention: Ms. Rebekah Ray, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530.

Comments should be received no later than **30 days** of the date of this public notice.

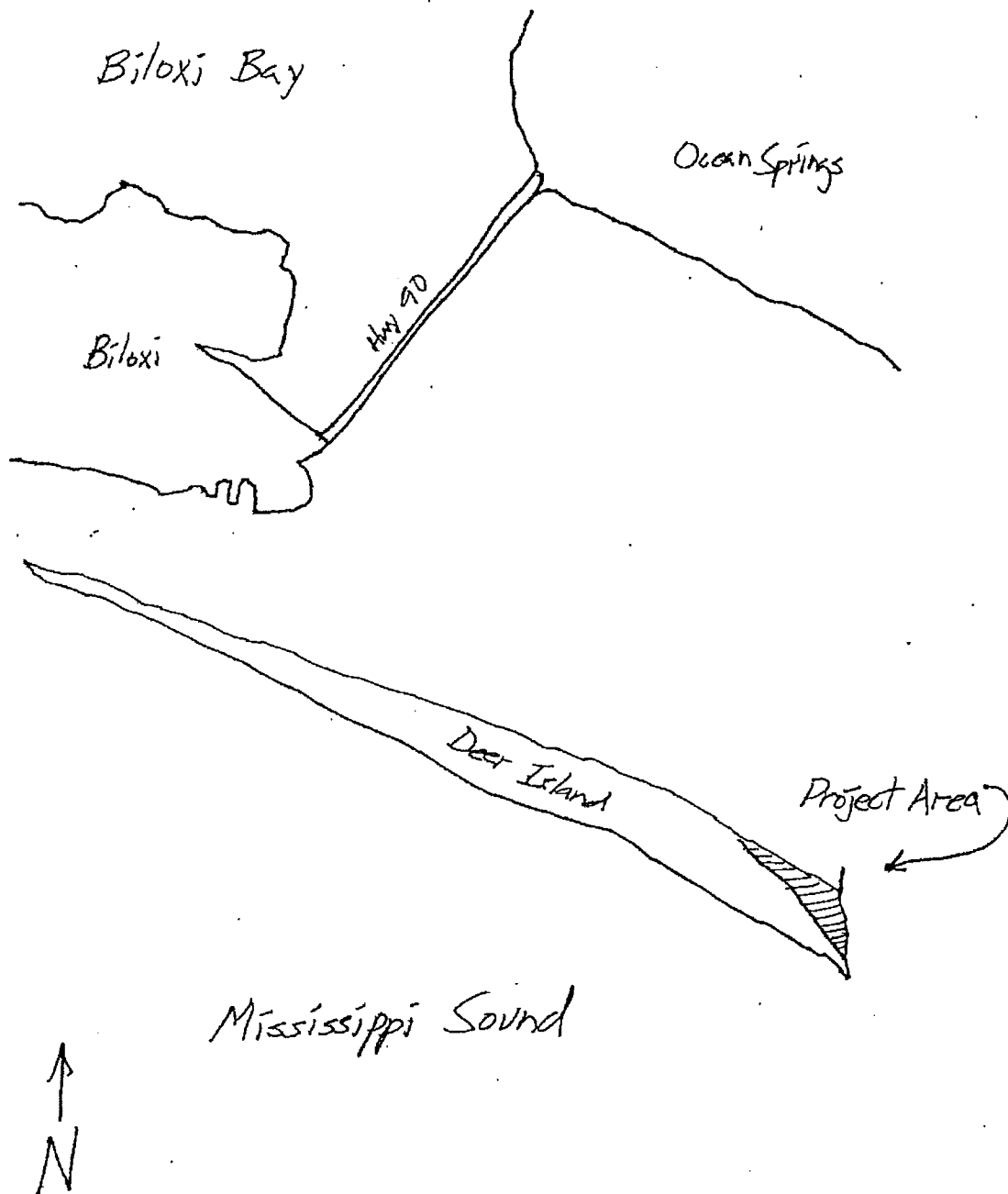
If you have any questions concerning this publication, you may contact the project manager for this application, **Ms. Kaaren M. Neumann** (kaaren.m.neumann@usace.army.mil), phone **(228) 523-4024**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at: www.sam.usace.army.mil/rd/reg and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

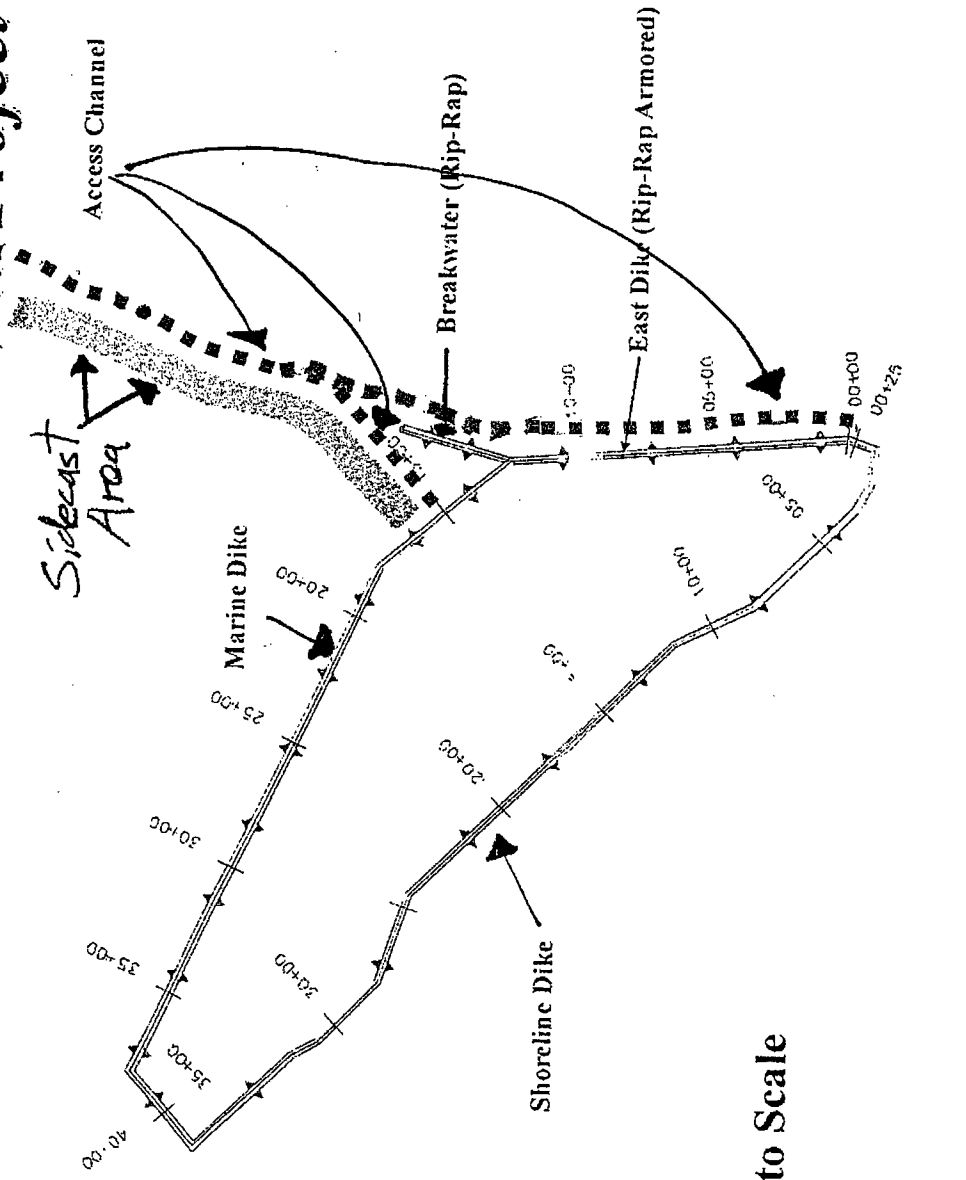
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

Vicinity map showing project location



Marsh Creation-Deer Island Project

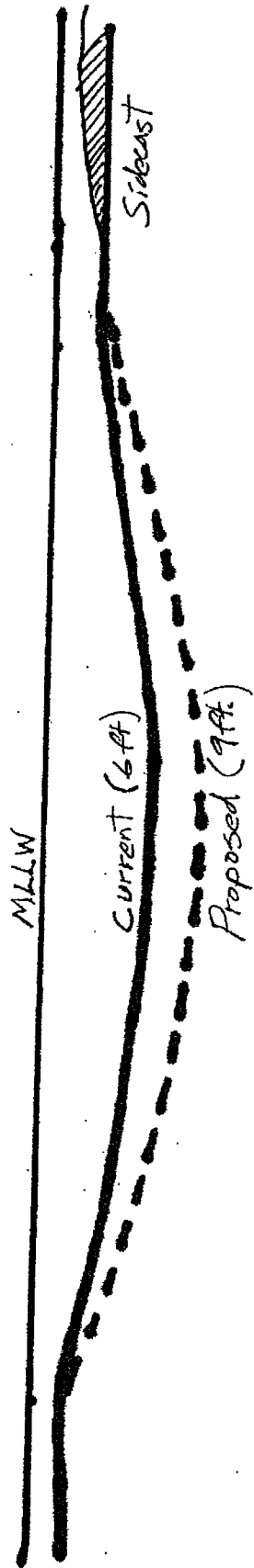


Drawing Not to Scale

Note: This figure illustrates the Deer Island Marsh Restoration Project (DIMR1) along with the original access channel layout. Periodic, on-going maintenance of the access channel to a depth of 6 feet was authorized in 2009 under SAM -2008-01990-JBM. This request seeks to deepen the authorized depth to 9 feet but retains the same channel layout.

George Ramseur, MSDMR, 7/27/11

Typical Cross Section
Deer Island Access Channel
GSR 7/27/11



10ft.